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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,459	12/14/2000	Robert M. Brody	42364/207149	1914
23370	7590	09/26/2006	EXAMINER KARMIS, STEFANOS	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/737,459	BRODY ET AL.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1. The following communication is in response to Applicant's election of claims filed 29 June 2006.

***Status of Claims***

2. Claims 1-25 were previously pending. Claims 1-6 and 23 have been elected. Therefore claims 1-6 and 23 are currently pending.

***Response to Arguments***

3. Applicant's previously filed arguments with respect to the rejection(s) of claim(s) 1-6 and 23 have been fully considered but are moot in view of the new grounds of rejection as discussed below. Therefore claims 1-6 and 23 are currently pending.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the merchant" in line 2. There is insufficient antecedent basis for this limitation in the claim. For interpretations purposes, claim 23 is interpreted to recite only that the consumer is a borrower.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 in view of Duhon U.S. Patent 6,311,169 in further view of A Home Remedy for Bad Credit article (hereinafter CCM).

Regarding claim 1, Lent teaches a method for providing a consumer with personalized credit-related information based on credit history data of the consumer, comprising: creating an account associated with the consumer (column 3, lines 54-67 and column 13, lines 13-60); electronically receiving a request from the consumer for personalized credit-related information (column 3, lines 54-67 and Abstract); transmitting to a credit bureau, in response to the request from the consumer, an inquiry for credit history data relating to the consumer (column 4, lines 1-17); receiving credit history data on the consumer in response to the inquiry (column 13, lines 20-60), generating a summary report of personalized credit-related information based on the credit history data (column 13, lines 5-12), the summary report including a credit score and an explanatory statement of why credit was rejected and transmitting it to the consumer (column 13, lines 5-12).

Lent fails to teach suggesting steps to improve the credit score. Duhon teaches an on-line consumer credit data reporting system that is programmed to present current and historical credit data information to on-line users so that better assessments can be made as to the credit worthiness of a consumer (Abstract). Duhon further teaches that the credit data in the report enables on-line users to make better decisions as to credit changes of the consumers (column 6, lines 50-61). Consumers can trace their credit status and note if its improving or deteriorating (column 7, lines 1-19). Duhon also teaches the use of narrative score factors (Figure 3). CCM teaches a program called Instant Credit that allows consumers to repair their credit by providing them with step-by-step instructions on how to work directly with credit bureaus to remove questionable black marks from their credit histories (Abstract). CCM teaches that the software allows for direct communication with the credit bureau and provides users with information on

how to receive their credit report annually. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Lent and include the teachings of Duhon and CCM to provide for generating a summary report of personalized credit-related information based on credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, because it provides consumers with the best financial indicators of their financial strength and recommends ways for them to improve their financial strength when obtaining loans.

Claim 2, wherein creating an account includes establishing an agent relationship with the consumer (column 3, lines 54-67 and column 13, lines 13-60).

Claim 3, transmitting an inquiry includes transmitting a Fair Credit Reporting Act Consumer Inquiry for the consumer to the credit bureau (column 4, lines 18-37).

Claim 4, wherein generating the summary report includes generating the credit score based on the credit history data (column 13, lines 28-46).

Claim 5, receiving consumer-related records from a plurality of databases on one or more networks, and wherein generating the credit score includes generating the credit score based on the credit history data and at least one of the consumer-related records which is associated with the consumer (column 13, lines 28-46).

Claim 6, wherein receiving the request of the consumer includes authenticating the consumer (column 4, lines 1-17).

Claim 23, wherein the merchant comprises a financial institution and the consumer comprises a borrower (column 13, line 47 thru column 14, line 14).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
11 September 2006



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